d)   said counted votes displayed on said interface;

e)   said computer program includes the ability for the voter to write in votes and record the write in votes;

f)   said votes stored in multiple places in said program for retrieval;

g)   test programs to verify the accuracy of the voting station pre and post elections;

h)   said computer program designed for controlling other identical voting stations.

B / D / Cont -

REMARKS

The examiner has stated that the application currently names joint inventors and that the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions cover therein were made. Applicant submits that the assignment submitted with the original application clearly identifies that all the subject matter was commonly owned at the time.

The examiner has rejected claims 1-3, 5-7, and 9-11 under 35 U.S.C. 103(a) as being unpatentable over Wise et al (US 5,218,528) in view of Webb (US 4,774,665) and in further view of Davis, III et al (US 5,583,329). The examiner feels that Wise et al discloses a plurality of connected automated voting devices which are similar, however as noted, it has two different stations, a voter registration 10 and which comprises a computer 20, a keyboard 23, a display 21 and a bar code reader 24 (col. 5, lines 21-30) of Wise. Wise also has a voter entry controller 11 comprising a computer 40, coupled to a keyboard 41, a display 42, a mass storage device 43 and

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a printer 44, thus both have a computer, a keyboard and a display. The voter registration station does not included a mass storage device nor a printer.

Thus the device does not anticipate applicants invention which has a plurality of identical devices to perform both the registration and the controller function of Wise.

The examiner states that Davis et al.includes a voting terminal consisting of a touch screen display, however the replacement of a monitor and a keyboard by a touch screen display is not applicants invention and does not anticipate applicant's invention. One would combine the display of Davis with the device of Wise and still not have applicant's invention as set forth in the claims.

The examiner has rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Wise et al./Webb/Davis, III et al. as applied to claim 2 above, and further in view of Lohry et al (U.S. 5,758,325). Lohry et al teaches a password entry in an electronic voting system and the examiner states that it would have been obvious to provide Webb, Wise et al with the password security as taught by Lohry. This still does not teach combining four patents with one little piece from each, none of which would teach applicants invention of having a single entity capable of perfuming all functions in a voting situation.

The examiner further rejected claims 8, 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over Wise et al./Webb/Davis, III et al as applied to claim 1 above, and further in veiw of Katayama et al (US 6,073,054). The examiner states that Katayama teaches an information processing system comprising a supervising information processing system 1 and

one or more subsystems 3. The examiner states that in operation the supervising system 1 directs the plurality of subsystems 3 and that one in the ordinary skill in the art would of readily recognized that having one vote processing system control all other vote processing systems is beneficial as opposed to having two separate units.

Katayama teaches two separate systems, one is a supervising subsystem 1 and the other is the subsystem 3. They are not the same units i.e., as the data base 18 is present in the subsystems as show in figure 2 and as recited (col. 3, lines 58-67 and col. 4, lines 1-4) on the other hand, knowledge 13 relative to subsystem 3 is obtained by abstracting and simplifying data stored in the data base and transferred to the supervising subsystem 1.

Thus Katayama still teaches two separate units and that they do not perform their same function.

Claims 14-17 and 19-21 are rejected under 35 U.S.C. 103(a) a being unpatentable over Wise et al. in view of Webb. The examiner states that Wise et al teaches everything except the steps of testing for pre-election and post-election program accuracy recording and tabulating votes within the vote entry station 12, and printing recorded election information on a related printer within the vote entry station 12. Applicant has pointed out that the vote entry station 12 with the voter registration station 10 has been discussed above and differentiated from applicants invention and the claims of applicant's invention. The addition of pre-election and post-election recording and tabulating votes within the vote entry station 12 does not and can not happen rather that function happens in the vote entry controller as noted above. The examiner states that Webb teaches the steps of conducting an audit of the election at the start and end of the election

if required and transferring election related information to a printer and printing out that information. The examiner states that combining the steps noted in Wise et al's invention with the security and information recording techniques noted in Webb's disclosure would provide a method for using an automated voted voting device that is a modern alternative to casting ballots at an election.

Applicant submits that it would not have been obvious to combine the teachings of Webb to the voting system of Wise et al because they utilize totally different modes of operation and equipment.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al./Webb as applied to claim 14, and further in view of Graft, III (US 5,278,753). The examiner states that neither Wise nor Webb show a method of inactivating the voting station. Graft III teaches a lock 32 to be fastened using a key which would inherently inactivate the machine. Applicant submits that adding a lock would not be obvious because the voting station is also the entry controller and that the controller is not inactivated in Wise.

Claims 22 and 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al./Webb as applied to claim 14, and further in view of Katayama et al. The examiner states that Wise et al and Webb fail to teach one of a plurality of voting stations controlling all the other voting stations. The examiner states that the teachings of Katayama have been discussed and that one of ordinary skill in the art would have readily recognized that having one vote processing system control all other vote processing systems is beneficial, as opposed to having two separate units since the controlling system is merged into the voting station, thereby taking

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up less space and consuming less power. The examiner states that it would have been obvious at the time of the invention was made to modify the teachings of Wise et al./Webb with the master-slave system as taught by Katayama et al. Applicant has fully discussed Katayama above and it does not have one vote processing system controlling all the others because the functions of Katayama require two different systems and as show in figure 2, the stations are not all the same.

Applicant submits that the references would not have suggested of those to ordinary skill in the art to combine the voter registration station with the voter entry controller based upon the references cited, Katayama does not disclose that, though he does disclose that the stations may take over however as noted (col. 1, lines 57-66). In operation the supervising system directs the subsystems, evaluates the responses from the subsystems and so operates that the entire system is optimized thus the supervising function which is has been collectively carried out by the supervising system can be <u>partially</u> shifted to the subsystems thereby greatly reducing the amount of processing in the supervising system. Further since any optional subsystem can carry out the supervising function, rapidly fixing the supervising system is not necessary. Obviating the failure of the entire system is not possible due to the partial supervising system in the subsystem.

Thus Katayama's system is not started out to operate without the supervising system which is a separate entity as shown and discussed.

Applicant believes that the application as now presented is in condition for allowance and action to that request is respectfully requested.

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Respectfully submitted,

FIDLAR AND CHAMBERS,

Date: 9/15/00

By _H. Vincent Harsha_
H. Vincent Harsha
Reg. No. 18,045

ROCKEY, MILNAMOW & KATZ, LTD.
Two Prudential Plaza
180 North Stetson Avenue - Suite 4700
Chicago, Illinois 60601
Phone: (312) 616-5400
        (309) 797-0864
Fax: (312) 616-5460
        (309) 764-1485

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